

- (a) preparing a solid phase on which a preformed conjugate of a poly(C₂-C₃)-alkylene oxide and an analyte-specific reactant that interacts with the analyte has been applied such that the preformed conjugate is immobilized,
- (b) incubating the sample with the solid phase and a detection reagent that provides a detectable indication of the presence or/and amount of the analyte, such that any analyte in the sample binds to the reactant bound to the solid phase and
- (c) detecting the presence or/and the amount of the analyte in the sample with the detectable indication.

REMARKS

The final Office Action of May 31, 2002 has been received and carefully noted, and the comments set forth below are a complete response thereto.

Claim 14 is pending in this application. By this Amendment, claim 14 is amended. No new matter is added. No new issue is raised that would require further consideration since the May 31, 2002 makes clear that the Examiner has already considered "if the claim language had required that the PEG-solid phase reactant conjugate be attached as a unit to the solid phase".

The Office Action rejects claim 14 under 35 U.S.C. § 112, first and second paragraphs. The Office Action continues to assert that the term "test reagent" does not establish the nature, type and specificity or exactly what types of "test reagents" are known as appropriate for the claimed invention.

Applicants have replaced the term objected to by "detection reagent". The fact that the test reagent represents a detection reagent can be directly gathered from

Examples 13 and 14, as well as the whole wording of claim 14 (particularly original claim 14(c)).

The Office Action rejects claim 14 under 35 U.S.C. 102(b) as being anticipated by each of Herron et al. '196, Herron et al. '492 or Reichert et al. This rejection is traversed.

According to the Examiner's, the present wording of the claim corresponds with the embodiment according to the prior art. Although Applicants respectfully disagree since the claim requires applying a conjugate onto and not forming a conjugate on a solid phase, in order to expedite prosecution of this application, the claim has been amended to specify the invention in such a manner that a polyalkylene oxide-conjugate of the analyte-specific reactant is first prepared and then contacted with a solid phase. In this regard, the word "preformed" has been inserted before "conjugate" in claim 14 (a).

Furthermore, Applicants submit herewith additional information to assist in an understanding of the clear differences between the present invention and the prior art. These differences are illustrated on the enclosed sheets. These sketches are restricted to the coated solid phase for the sake of clarity. Possible detection reagents have not been mentioned.

In the citation Herron '196 the subsequent unspecific binding to the solid phase coated in this way has been described. In column 18, lines 38-44, Herron '196 even points out that "...however, the improvement...was not large".

In Herron '492 in the illustrated solid phase the specific detection of mouse antibodies and labeled anti-mouse antibodies has been performed.

Reichert is analogous to Herron '196, apart from the fact that the solid phase itself is not coated with polyethylene.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. 102(b) are respectfully requested.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referencing Docket No. 100564-08023.

Respectfully submitted,



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Enclosure: Two sheets of drawings

CLAIM 14 MARKED-UP TO SHOW CHANGES

14. (Three Times Amended) Method for the detection of an analyte in a sample, comprising the steps:

(a) preparing a solid phase on which a preformed conjugate of a poly(C₂-C₃)-alkylene oxide and an analyte-specific reactant that interacts with the analyte has been applied such that the preformed conjugate is immobilized,

(b) incubating the sample with the solid phase and a [test reagent] detection reagent that provides a detectable indication of the presence or/and amount of the analyte, such that any analyte in the sample binds to the reactant bound to the solid phase and

(c) detecting the presence or/and the amount of the analyte in the sample with the detectable indication.